

## NATURAL RESOURCE COMMISSION[571]

## Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby adopts amendments to Chapter 81, "Fishing Regulations," Iowa Administrative Code.

These changes remove the closed December 1 through March 15 fishing season regulation below Lock and Dam 11, 12 and 13; limit anglers to a maximum 5/0 treble hook size when snagging nongame species listed in subrule 81.2(11); and add a no snagging restriction from directly below the Oakland Mills dam to the downstream end of the 253rd Street boat ramp.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 30, 2010, as **ARC 8881B**. Eight comments were received during the public comment period. One person opposed removing the closed fishing season below Lock and Dam 11, 12 and 13. Four individuals opposed the Oakland Mills snagging restriction and three people confirmed the illegal take of game fish by snagging and the conflicts that occur at the Oakland Mills dam area.

Eleven people attended the July 20, 2010, public hearing. One person was in favor of removing the closed fishing season below Lock and Dam 11, 12 and 13. One person opposed the maximum 5/0 treble hook size when snagging nongame species, and another was in favor of the hook size restriction. Two people opposed the snagging restriction below the Oakland Mills dam and submitted a petition containing 139 signatures of those who oppose the snagging restriction. No revisions to the Notice of Intended Action were made in response to public comment.

These amendments differ from the Notice of Intended Action in that the sentence "Hooks larger than a 5/0 treble hook or measuring more than 1¼ inches in length when two of the hook points are placed on a ruler are permitted when snagging" was changed to "No hook larger than a 5/0 treble hook or measuring more than 1¼ inches in length when two of the hook points are placed on a ruler are permitted when snagging." The sentence in the Notice of Intended Action was in error and did not reflect the intent of the proposed rule change. The NRC brief in the preamble of the Notice, the news release for the public hearing, and the explanation of the rule at the public meeting made clear that the rule change would not permit snagging with a hook larger than a 5/0 treble hook size.

These amendments are intended to implement Iowa Code section 456A.25.

These amendments shall become effective October 13, 2010.

The following amendments are adopted.

ITEM 1. Amend subrule 81.2(1) as follows:

**81.2(1)** Exception closed season. In Lakes West Okoboji and East Okoboji and Spirit Lake, there shall be a closed season on walleye beginning February 15 each year. The annual opening for walleye in these three lakes shall be the first Saturday in May. In these three lakes there shall be a closed season on muskellunge and tiger muskie beginning December 1 each year. The annual opening for muskellunge and tiger muskie in these three lakes shall be May 21 the following year.

~~Fishing in any manner is prohibited from December 1 of each year through March 15 the following year in the following areas of the Mississippi River.~~

- ~~a. From Lock and Dam Number 11 downstream to the railroad bridge near river mile 579.9.~~
- ~~b. From Lock and Dam Number 12 downstream to the mouth of Mill Creek near river mile 556.~~
- ~~c. From Lock and Dam Number 13 downstream to the downstream end of Stamp Island near river mile 521.5.~~

ITEM 2. Amend subrule 81.2(11) as follows:

**81.2(11)** Method of take. Artificial light may be used in the taking of any fish. The following species of fish may be taken by hand fishing, snagging, spearing, and bow and arrow: common carp, bighead carp, grass carp, silver carp, black carp, bigmouth buffalo, smallmouth buffalo, black buffalo, quillback carpsucker, highfin carpsucker, river carpsucker, spotted sucker, white sucker, shorthead redhorse, golden redhorse, silver redhorse, sheepshead, shortnose gar, longnose gar, dogfish, gizzard

shad, and goldfish. All other species of fish not hooked in the mouth, except paddlefish legally taken by snagging, must be returned to the water immediately with as little injury as possible. A fish is foul hooked when caught by a hook in an area other than in the fish's mouth. Snagging is defined as the practice of jerking any type of hook or lure, baited or unbaited, through the water with the intention of foul hooking fish. No hook larger than a 5/0 treble hook or measuring more than 1¼ inches in length when two of the hook points are placed on a ruler are permitted when snagging. Exceptions to snagging as a method of take are as follows:

No snagging is permitted in the following areas:

1. to 11. No change.

12. Skunk River from directly below Oakland Mills dam to the downstream end of the 253rd Street boat ramp.

[Filed 8/16/10, effective 10/13/10]

[Published 9/8/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/8/10.